THE DVETIES OF Conſtables, Borſholders, *Tythingmen, and ſuch o-* ther lowe and Lay Mini-ſters of the Peace.

Whereunto be adioyned, the ſe-uerall offices of Church Miniſters and Churchwardens, and Ouerſeers for the Poore, Surueighours of the highwaies, and diſtributors of the prouiſion againſt noyſome fowle and vermine.

First collected by WILLIAM LAMBARD *of Lincolnes Inne Gent.* 1582.
and now enlarged by him in the yeare 1599.

LONDON
Printed by Thomas Wight, and Bonham Norton, 1599.

Cum Priuilegio Regiæ Maieſtatis.

THE DVETIES
OF
Constables, Borsholders, Tythingmen, and such other lowe and Lay Ministers of the Peace.

Whereunto be adioyned, the seuerall offices of Church Ministers and Churchwardens, and Ouerseers for the Poore, and neighbours of the highwaies, and distributors of the prouision against noyfome fowle and vermine.

First collected by WILLIAM LAMBARD of Lincolnes Inne Gent. 1582, and now enlarged by him in the yeare 1599.

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Cum Priuilegio Regiæ Maiestatis.

The duties of Constables, Borsholders, Tythingmen, and such other low Ministers of the Peace.

VNderstanding by sundrie friends of mine, that manie well disposed men do earnestly wish, that some one booke or plaine collection might be made of the duties of High Constables, petie Constables, Borsholders, Tythingmen, Headborows, and such like inferiour Ministers of the Queenes Maiesties peace: to the ende that when any of them should be called to any of the said offices (or the like) they might the better behaue themselues in doing the same: I haue thought it a thing worthie the labour, to send abroad among them this little Treatise, which I haue drawen to satisfie in some part their honest desire: hartily praying vnto God, that as their knowledge may be increased in the reading hereof, so also their diligence may bee amended in the practise of the same, to the setting forth of the glory of God, and to the aduancement

1 The preface.

of the Queenes Maiesties seruice in this behalfe.

The diuision of this worke.

2 And because I purpose (by the helpe of God) to make this worke so short, and so plaine withall, as the matter thereof it selfe will suffer me, and as the vnderstanding of vnlerned men doth require: I will first speake somewhat, both of the sundrie names & beginings of these officers, and then afterward I will go in hand with the parts of their seuerall duties.

The names of these Officers.

3 The sundry names of Constables, or High Constables, that be of Laths, Rapes, Wapentakes, Hundreds, & Franchises: & the diuerse names also of Constables, petty Constables, Tythingmen, Borsholders, Borocheads, Headboroes, chiefpledges, & such other (if ther be any) that beare office in townes, parishes, hamlets, tithings, or borowes (for of Constables of Castles, otherwise called castellanes, & such others, I meane not to entreat) are all (in effect) but two, that is to say, Constables & Borsholders: for these two words do contain as much as all the rest of those names, and to those two all the rest of them may be reduced: and therefore, in speaking seuerally of those two, I will passe along, and touch all the rest also.

Constables name.

4 The name Constables is made (as I haue

yaue read) of two English words put together, namely, Cuning, (or Cyng) & Staple, which do signifie, the stay (or hold) of the king. For by the auncient custome of this Realm, there is a great officer, called the Constable of England, who by reason of the high authoritie that he had, was a principall stay vnto the Kings gouernement: and his office had iurisdiction & authority in deeds of Armes, and matters of warre, both within & without the realme. Out of which office, this lower Constableship was at the first drawne & fetched, & is (as it were) a very finger of that hand. For the statute of *Winchester*, which was made in the time of K. Edward the first, & by which these lower Constables of hundreds and Franchises were first ordained, doth (amongst other things) appoint, that for the better keeping of the Peace, two Constables in euery Hundred and Franchise, should make the view of Armour.

So then, the name of Constable in a Hundred or Franchise doth meane, that he is an officer, that supporteth the Queens Maiestie in the maintenance of her peace, within the precinct of his Hundred or Franchise: hee is many times called the high Constable, in respect of the Constables, or petty Constables, that be in the townes,

or parishes within his hundred or franchise: whose part it likewise is, to maintaine the peace within the seuerall limits of their owne townes or parishes.

Borsholders name.

5 As touching Borsholder (which is the other general name, & doth contain within it the meaning of Tithingmen, Borowheads, Headborowes, Thirdborowes, and chiefpledges) that also is made vp of these two English words, Borhes, & Ealder, of the which Borhes betokeneth pledges, & Ealder signifieth the Chiefe, the Head, & the Ealder: and Borshealder in one word doth meane the chiefe (or head) of the sureties, or pledges.

His two offices.

6 But now that you may the better vnderstand what is meant by this, you must further know, that euerie of these Borsholders, Tithingmen, Borowheads, Headborowes, Thirdborowes, and chiefe pledges, hath two seuerall offices at this day: the one being his auncient, and first office, and the other his latter made office.

His first office.

7 His first office, begannet thus: by the auncient Lawes of this realme (before the comming in of king William the Conquerour) it was ordeined for y more sure keeping of the peace, & for the better repressing of theeues & robbers, that al free borne men should cast themselues into seuerall compa-

Archaionomia.

companies, by ten in each companie: and that euery of those tenne men of the companie, should be suertie and pledge for the forth-coming of his fellowes: so that if any harme were done by any of these ten against the peace, then the rest of the ten should be amerced, if he of their companie that did the harme should flie, and were not forth-coming to aunswere to that wherewith he should be charged.

And for this cause, these companies be yet in some places of England (and namly with vs in Kent) called Borges, of the said word Borhes, pledges, or suerties: albeit in the westerne partes of the realme they be commonly named Tythinges: because they containe (as I tolde you) the number of ten men with their families. And euen as tenne times ten doe make an hundred: so, because it was then also appointed that tenne of these companies should at certaine times meete together for their matters of greater waight, therefore that generall assembly (or court) was (and yet is) called a Hundred.

Furthermore it was then also ordained, that if any man were of so euill credite, y^t he could not get himselfe to be receiued into one of these Tythings or Borges, then he should be shut vp in prison, as a man vn-

worthie to liue at libertie, amongst men abroad.

Tithingman. Headborow, &c.

& Now whereas euery of these Tythings (or Boroes) did vse to make choise of one man amongst themselues, to speak, & to do, in the name of them all: he was therefore in some places called the Tythingman, in other places the Boroes Elder (whom we now call Borsholder) in other places the Boroehead or Hedborow, & in some other places the chiefe pledge, which last name doth plainely expound the other three that are next before it: for head or Elder of the Boroes, & chiefe of the pledges, be all one. And in some shires, where euery Thirdborowe hath a Constable, there the officers of the other two be called Thirdborows.

Olde orders in Tythings

9 Moreouer, in these Tythings (or Boroes) sundry good orders were obserued, & amongst others: first, that euery man of the age of xii. yeares should be sworne to the King: that then no man should be suffered to dwell in any towne or place, vnlesse he were also receiued into some such suretiship & pledge as is aforesaid. Thirdly, that if any of these pledges were imprisoned for his offence, then he ought not to be deliuered without the assent of the rest of his pledges. Again, that no man might remoue out of one Tything (or Boroe) to dwel

Itin. Kanc. Vid. 45. Ed. 3. 27. Et Kitch. Fol. 12.

dwel in an other, without lawfull warrāt in that behalfe. Lastly, that euery of these pledges should yearely bee presented and brought forth by their chiefe pledge at a generall assembly for that purpose, which we yet in remembrance therof do call, the View of Frankpledge, or the Leet court.

Leet Court

10 Hitherto I haue opened the ancient office of the *Borsholder*, *Tithingman*, & the rest, whereof also there is yet to this day some shew or remnant in our *Leetes* (or *Law* daies) but if the very substance therof were throughly performed (as I know no let, but that by law it may) thē should the Peace of the Lande bee much better maintained then now it is.

His latter office.

As touching the latter office, that these Borsholders, Tithingmen, Headborows, Boroheads, Thirdboroes, & chiefpledges haue, it is in maner all one with the office of a Constable of a town, or parish, which is commonly named a petie Constable, or vnder Constable, because he is a smal Cōstable, in respect of the Constable of his hundred, within whose limit he is.

For as about the beginning of the raign of king Ed. 3. pety Constables were deuised in towns & parishes for the aid of the Constables of the Hundred: so of latter times also, Borsholders, Tythingmen,

Head-

Headborowes, & such like haue bin driuen as petie Constables within their owne Borowes and tythings. And yet not so vniuersally, but that some of them haue at this day none other but their olde office. For in some of the Westerne parts of England, you shall see, that where there be many Tythingmen in one parish, there onely one of them is a Constable for the Queene, and the rest doe serue but as the auncient Tythingmen did. Now therefore, hauing spoken of the names and beginnings of these inferiour officers of the peace, let vs also come to the parts of their common and seuerall dueties.

Diuision of their office.

11 For as much as a great and chiefe part of the duety both of these high Constables, of Lathes, Rapes, Trapentakes, Hundreds, and Franchises: and also of these Constables, Petie Constables, Tythingmen, Borsholders, Boroweheads, Headborrowes, Thirdborrowes, chiefe pledges, and such like ministers, by whatsoeuer other names they bee called in any townes, parishes, Tythings, Borowes, Hamlets, or other places of the Realme, doth consist in the maintenance of the Queenes Maiesties peace, wherein (as also in some other points) the power of these al is alike, and but one, within their seue-

rall

rall limits and places of authoritie: therefore I thinke it good to shewe, first, what their common and equall duety is in matters concerning the peace, either by their owne authoritie, or vnder the authoritie of others: then afterward to declare, what their common and like duetie is in some other thinges not concerning the peace; lastly, to open those thinges wherein they haue a distinct and seuerall duetie, one from another of them.

13.H.7. 10.Cur.

12 The Conseruation (or maintenance) of the peace, standeth in three things, that is to say: first, in foreseeing that nothing be done, that tendeth either directly, or by meanes, to the breach of the peace: secondly, in quieting or pacifiyng those that are occupied in the breach of the peace: and thirdly, in punishing such as haue alreadie broken the peace.

Their office concerning the Peace.

Fit. in Inst. del P. 171.

And here, least any man should be deceiued in not vnderstanding what is meant by these words, The breach of the Peace, he must first of al know, that by the breach of the peace, is vnderstoode, not onely that fighting, which wee commonly call the breach of the peace, but also that euery murder, rape, mãslaughter, & felony whatsoeuer, and euery affraying (or putting in feare) of the Queenes people, whether it

What is the breach of the peace

13.Ed.1.

be

be by unlawfull bearing of Armour, or by assembling of people to do any unlawfull act, are taken to bee disturbances or breaches of the Peace.

To prevent things against the Peace.

13 But now, for the better preventing that nothing bee done against the Peace, any of these Officers aforesaid may take (or arrest) suspected persons, which walk in the night, or sleepe in the day, or which do haunt any house, where is suspition of bawdrie: and they may carry them before a Iustice of the Peace, to finde sureties of their good behaviour. And if any such Officer bee not of sufficient strength to doe that alone, then may he take meet aide of his neighbors thereto: & they, in such cases, be compellable to helpe and assist him. 13.H.7. 10.Cur. Fit.in Iust. del P.171.

Any of these Officers may also arrest such strange persons as doe walke abroad in the night season: and for that cause the said Statute of Winchester did ordain, that night watches should be kept yearely, from the feast of the Ascension vnto Michaelmas, by five men at every gate of every Citie, by twelue men in every Borough towne, and in every other towne by five men, or fewer men, or accordyng to the number of inhabitants in the towne, all the night long, from Sunne setting to Sunne rising: so that if any stranger did passe, he shoulde 13.Ed.1.

should bee arrested till the morning, and then set at large (if no suspition were found of him) but if any suspition fell out against him, then he should be imprisoned, till hee might be lawfully delivered. And of these Watches, the officers before named haue the charge within the limits (or places) of their authorities, as the Constable in his towne, the Borsholder in his Borow, & the high Constable within all his Hundred: and these Officers ought to see these Watches duely set and kept, and ought also to cause Hue and Crie to bee rayled after such as will not obay the arrest of such watchmen.

Stat. Northamp. 2. E. 3. c. 3.

Againe, if any person whatsoeuer (except the Queenes seruants and ministers in her presence, or in executing her precepts, or other offices, or such as shal assist them: and except it be vpon Hue and Crie made to keep the peace, and that in places where acts against the Peace do happen) shall be so bold, as to go, or ride armed, by night, or by day, in Faires, Markets, or any other places: then any Constable, or any other of the saide Officers, may take such Armour from him, for the Queenes vse, & may also commit him to the Gaole. And therefore it shall bee good in this behalfe, for these Officers to stay and arrest

all

all such persons as they shall finde to carry Dags or Pistols, or to be apparelled with priuie coates, or doublets: as by the proclamation made in the 11. yeare of the raigne of our soueraigne Ladie that now is, they are specially commanded. 21.El.Reg.

Furthermore, if any great assemblie, or rumor of people be made in maner of Insurrection, then the Shirifes, Constables, & these and other Ministers, hauing knowledge therof, ought to go with the strength of the Countie, and to set themselues against it, and ought also to take and imprison such offendors. 17.R.2.c.8.

Insurrection

Lastly, if any man doe threaten to kill another, and he which is so threatned doe pray any of these Officers to arrest the other to finde suerties of the Peace: then may such an officer arrest him to finde such suertie before a Iustice of the Peace, and may also carry him to prison, if hee refuse to finde it: But if he yeeld to go, it shall be good to take the party threatned, to the Iustice with him. Barre 302. en Fitzh. 22.Ed.4. 35.Brian.

To pacifie and punish the breach of the peace

14 Thus much I haue spoken of those things which do bend towards the breach of the peace: but now I will come nearer to the breach it selfe, and withall to the pacifying and punishing of the same.

If therefore a Constable, or any other

of

of the saide officers, shall see any men going about to breake the peace, as by vsing hoat words, by which an Affray is like to ge[illegible]: then ought such Officers to commaund those persons to auoyd vpon paine of imprisonment: and if they will not depart, but shall drawe weapon, or giue any blowe, then ought he to doe his best to depart them, and to keepe them in sunder: & he may (for that purpose) both vse his own weapon, and may also call others to assist him. In which doing, if any such Officer, or other person comming on his part, doe take hurt, hee shall haue good remedie by action against him that did the hurt: but if any of them that made the Affray, bee hurt by such officer, or by any of his cōpany, then such a hurt person hath no remedy at all for it.

[illegible]H.7.10.
[illegible]1.H.7.21.

[illegible]3.Ed.4.9.

And if he that maketh an Affray, do flie into a house, when such an officer cometh to arrest him: then may that officer breake open the doores to take him: and if he that made the Affray, doe flie from thence also, yet may the Officer followe him, and in fresh suit take him, though it bee in another Shire or Countie.

So, if two men be fighting together in a house (the dores being shut) yet may such an Officer break open the doores to cause

the

the peace to be kept, though none of the parties haue taken hurt. And in both these cases, such an officer may carry them before a Iustice of the peace to finde Suertie for the peace, because they haue broken the peace already, and are meete to be bound that they shall not breake it againe.

But if any of the parties to an Affray, haue receiued any dangerous hurt, then ought such Officer to arrest him that did the hurt, and to carry him to the Gaole, there to remain till he finde suertie to appeare at the next Gaole deliuerie: otherwise, he may with lesse labor carry him to a Iustice of the peace, or to a coroner, who ought to take order for such suertie, because the fact may fall out to bee Felonie, if so be that he which was hurt do happen to die within one yere and a day next following such hurt vnto him. Fitz. 72. 38. Ed. 3. 6. & 22. lib. ass. 56.

And as these Officers ought to arrest those that doe make assaule vpon any priuate persons, so also may they arrest any such as shall make assault (or Affray) vpon themselues whilst they bee in doing their offices: & may for that purpose both lawfully defend themselues, & also take the offendors, & commit them to the Gaole, or carry them to a Iustice of the Peace, for the finding of such suertie as is aforesaid. 5. H. 7. 6.

But

Barr. 101. in Firzh. But if one doe assault a man, in, or nigh the highway, to robbe him, and bee taken by the true man, or by any other, and bee brought to the Constable, or such other Officer of the place: then ought such Officer, not onely to take him to his warde, but also to carrie him before a Iustice of peace to cause him to give suertie for his Good abeating.

5. Ed. 3. cap. 14. 17. E. 4. 5. So, if any man doe suspect an other of Murder, or Felony, and doe declare the same to any such Officer of the place, then such officer may arrest the suspected person, and he shall doe well to carrie him to a Iustice of the Peace together with him that doth suspect him, to that end that they both may bee examined as appertaineth.

2. E. 4. 9. Yea, any of these said officers may search without the limit of his authoritie, for any persons suspected of Felonie: for it is a chief part of their office to represse felons.

7. H. 7. 4. 3. And therefore any of these Officers may (of his owne authoritie) arrest one that is endicted of Felonie: So, if the common voice and fame be, that it, B. hath done a felonie, that is sufficient cause for any of these Officers (that shall thereof suspect him) to arrest him for it.

And if any person shal sue upon felony, it is the office of the Constable of the town,

or of any of these other officers there, to seise his goods, and to keepe them safely: for hee is to answere for the losse of empairing of them, and therefore it is meete that hee doe it by Inuentorie taken in the presence and by the testimonie of the honest neighbours. 3.Ed.3. Itin. Northumb.

And I like well of their opinion, which do hold, that if information be giuen to any such officer, that a man and a woman bee in adulterie, or fornication together, then the officer may take companie with him, and that if he find them so, hee may carie them to prison. 1.H.7.7.

But this is to bee marked, that in the cases before, and such like, where such an Officer hath arrested, or hath in his ward any offendour that ought to be carried to the Gaole; there such an Officer is not bound foorthwith to carrie him, but may well for a reasonable time keepe him in the Stockes, vntill that conuenient prauision of strength may bee made to conuey him safely thither. And when hee shall bring such offendour to the Gaole, then ought the Gaoler to receiue the same freely, without taking any thing of the Officer for it. 3.H.4.9. 22.E.4.35. 4.E.3.c.2.

Seruing of precepts.

15. Hitherto (as you see) I haue spoken of the *Constable*, and of these other Officers,

cers, so farre onely as they haue auctho-
ritie by their owne Offices, without any
commaundement from others. But for
as much as a great part of their duetie
(concerning the Peace) resteth in the
making of due execution of the precepts
of higher Officers, and especially of the
Iustices of the peace, who be (as it were)
immediately set ouer them, let vs also see
after what manner these *Constables*, and
other the saide inferiour ministers of the
peace, ought to beehaue themselues in
that behalfe.

Albeit then, that these said Officers be Precepts.
subiect to the commaundements of the
Iustices of Gaole deliuerie, and of Oyer
and Terminer, and of some Higher Iusti-
ces, yea, and to the Precepts of Coro-
ners also, and of other Officers, in some
certaine cases, yet because most common-
14.H.8. ly they are called vpon by the Iustices of
cap. 18. Peace, they ought specially to shewe
21.H.7.22. themselues obedient to their Preceptes,
who (as it may appeare by some old Pre-
sidents) haue aucthoritie to remooue in-
sufficient Constables and Borsholders,
and to substitute able persons in their
place. Neither ought these officers to dis-
pute whether their commandements be
grounded vpō sufficient authority, or no: as

knowing that although a Iustice of the Peace (which is a Iudge of Record) should direct a Warrant beyond his authoritie to a Constable, or one other of the said officers, yet shall such Officer be holden excused for executing the same, howsoeuer that Iustice of peace himselfe bee blamed for it.

If therefore a Warrant for the Peace, or good abearing, happen to bee directed to any of these saide Officers, then ought he with all speede and secrecie to find out the partie: and then also may hee lay his hands vpon him, and shew him the matter, and require him in the Queenes name to goe with him, to put in suertie according to the Warrant. And this if the partie shall refuse to doe, then ought such Officer forthwith to arrest him, and to conueigh him to prison, without carrying him to any Iustice in which doing, if the partie shall offer any resistance, or shall seeke to escape, then also may such Officer withstande the beating, or hurting of him. 21.H.7.39.

But if the partie shall yeeld to goe and giue Suertie, and yet will not goe to such Iustice as made out the Warrant, but to some other Iustice, then ought such Officer to giue him that libertie, so that it bee 21.H.7.20.

not

not farre out of the Limit, for else so great trouble might follow vpon the Officer, as rather hee then the offendour might seeme to be punished by it.

And here the Officer must take regard, and consider whether the Warrant doe come directly from the meere authoritie of the Iustices of Peace, or else be grounded vpon a Writ of *Supplicavit* sent down from higher authoritie (which difference ought to appeare plainly in all Warrants that be well and orderly made.) And if the Warrant bee grounded vpon such a Writ, then may such Officer compell the partie to goe to the very same Iustice or Iustices of Peace that made out the Warrant, and otherwise he may carrie him to prison, as is said before.

Neither is it requisite, that such an Officer should daunce after the partie (as many vse to doe) vntill hee can finde out suerties: but he may lawfully keepe him, vntill that he can get suerties to come vnto him: the ignorance of which point is the cause, both that many an euill man escapeth, and many an honest Officer is punished for it.

But here it happeneth many times, that the partie (hearing that such a Warrant is granted against him) offereth himselfe

with suerties, for that cause unto some other Iustice of Peace, or findeth such suertie in some of the Courts at Westminster, and so hath a *Supersedeas* readie to shewe such Officer, as commeth to him with a Warrant, as is aforesaid. Now, if that bee so, then is the Officer discharged thereby, and ought not any further to molest the partie. But yet it shall be good, that such Officer doe keepe the *Supersedeas* for his better discharge, and shew it to the Iustice from whome hee receiued the commaundement of seruice, least otherwise he bee called to account for not seruing the warrant that was sent unto him.

If a Warrant bee directed to a Constable, or such other Officer, to arrest one that is indicted of Felony, then may such Officer iustifie the killing of such a party, if it so be, that hee cannot otherwise take him: or if so be, that he resist, or flie, when he is taken. 22. Lib. Ass. 55. Coron. 261. 288. 328. in Fitzh.

Finally, the Constable, or such other of the saide Officers, hauing arrested any to be conueyed to the Gaole, must take good heede, that hee doe not willingly, or negligently, suffer such partie to escape from him. For, if the arrest were for Felonie, then by a willing escape, the Officer hunselfe becommeth a Felon also. And of

whatsoe-

whatsoeuer other kinde the offence bee, if the Officer bee, by his will, or negligence, suffer the partie to escape from him, he shall bee fined for it, according to the quantitie of his fault, by the discretion of those that shall be Iudges of it. And least any such Officer should flatter himselfe, in thinking that hee may passe through with some easie Fine, I let him know, that the Iudges of his fault may set his fine, equall with the value of al his goods, if in their discretions his default doe so require.

11.H4.24. Stamf.35.

16 Thus haue I performed the first part of my promise, and haue shewed what is the equall and like duetie of euerie of the saide *Officers* in matters concerning the Peace, both by their owne auctoritie, and also in doing the commaundements of the *Iustices* of Peace. Now therefore I must goe forwarde to the second part of my purpose, and am to declare their like duetie in other pointes of seruice, that doe not concerne the Peace, For, equall power is indifferently giuen to any of those *Officers* by some *Statutes* of the Realme, whereof those that follow bee the chiefe, and principall.

The equal duetie of these Officers, in matters beside the Peace.

Attendant for the execution of statutes.

17 All Constables, and other the saide Officers, ought to bee attendant, aiding, and assisting to the Iustices of Peace, for the execution of all and euerie the Actes (made in, or before the Parliament, holden in the 33. yere of the raigne of King Henrie the eight) concerning Retainors, giuing of Liueries, Maintenance, Embracerie, Bowestaues, Archerie, Vnlawfull games, Forestallers, Regrators, Vittaile, Vittailers, and Inholders, or any of them, vpon paine that the said Constables, and other the saide Officers shall make such Fines, as by two of the saide Iustices of Peace shalbe assessed. 33.H.8. cap.10. & 37.H. 8.c.7.

Phisitions

18 All Constables, and other the saide Officers within London, or within seuen miles thereof, ought (vpon request made) to aide and assist the President of the Colledge of the Phisitions in London, & other persons authorized for the due execution of the Statuts made concerning Phisitions, Apothecaries, and Surgeons. 14.H.8. cap.4.5. 32.H.8.ca.2 1.Ma.par. 1.cap.9.

Puruiors

19 If any person shall (without lawfull bargaine) puruiewe or take anye thing of any of the Queenes liege people, to the vse of anye (other then the Queene and her house) and thereof notice be giuen to the Constable, or such other Officer of the place, then such Officer ought 23.H.8. cap.14.

ought (vnder the pain of twenty pounds) to arrest such taker, and to carry him to the next prison.

28.H.6.stat. 2.c.2. No Purueyour of the Queene ought to take any horse, or cart, but by the deliuerie of the Maior, Bailife, Constable, or such other officer of the place whence that taking shall be.

25.E.3.ca.1. 36.Ed.3. stat.2.c.3. Corne ought to bee taken for the Queenes house, by striked measure of eight bushels to the quarter, according as is vsed throughout the lande: and the takers of all thinges to bee taken for the Queenes house, shall make their purueyance by the very value therof, by the view of the Constable, or other such Officers, and by appraisement vnder oath of foure other good men of the towne, where the taking shall be: and such taking shall bee made without driuing the praisours by compulsion, menacing, or other villanie, to set any other price then their oath will, and as commonly runneth in the nerte Markets.

2.& 3.P.& Mar.ca.9. Takers, Vndertakers, their Deputies, or seruaunts, shall not take any Beefes, Weathers, Lambs, Calues, or any kinde of Saltfish, or any kind of graine, or any Butter in any vessels, or Cheese, Bacon, Conies, Pigs, Geese, Capons, or Hens,

but

but by Commission and a Blanke thereto for that shire annexed: in which Blanke, the said seuerall things so to be taken, and the prices of them shall be written, and to which Blanke the high Constable, Petie Constable, or Headborough of the place where any such taking shall bee, ought to subscribe his name or signe manuel. And such taker ought then also to make a brief or Docket in writing subscribed with his name, containing euery of the saide things so taken in euery place: and ought then also (vnder the paine of an hundred markes) to deliuer the same to the saide High Constable, petie Constable, or Headborough, who also ought to deliuer it ouer to the Iustices of Peace at their next generall Sessions within that countie.

20 In the takinges for the Queenes house, Tailes (or Indentures) ought to be made and sealed, betweene the taker and the owner (in the presence of the Constable, or such other Officer, and the prayers of the place) by which Tailes (or indentures) satisfaction ought to bee made to the owner for his things so taken. 10.H.7.ca.1.

21 If any Taker will make purueyance of any thing (not exceeding the value of fortie shillinges) and make not ready 20.H.6. cap.8.

die payment in hand therfore, it is lawful for the owner to retaine the thing so take, and to resist such purueyance: and the Constable, Tythingman, or Chiefpledge of the place (beeing thereto required by the owner) ought to aide and assist such owner in making such resistance, vnder paine to yeelde vnto him the value of the thing taken, and his double damages.

18. H. 6. cap. 19. Souldiers.

22. All Constables, and other the Officers aboue said, of ỹ parish or place, where any of the Queenes Souldiers beyond the seas, being muttered of record, shall happē to arriue, may arrest & stay such soldiers, til it be inquired, whether they be lawfully departed from their Captaines, or no.

21. H. 8. c. 2. 22. H. 8. c. 14 22. H. 8. c. 3. Coroners.

23. All Constables and other the saide Officers, must bee attendant vppon Coroners, for the aburing and conueying of such persons, as shall take the Churchyard as a Sanctuarie, for safegard of their liues, by occasion of any Felonie by them done.

All these thinges heretofore rehearsed, whether they concerne the preseruation of the *Peace*, or any other matter besides the Peace, may and ought to be done & executed indifferently (as I thinke) by any of the said *Officers* within the precinct of his authoritie: that is to say, as well by

by the high Constable of the whole Hundred or Franchise, within his Hundred or Franchise, as by the *Constable*, *Petie Constable*, *Tythingman*, *Borsholder*, *Borohead*, *Headborow*, *Thirdborow*, or *chiefe pledge*, within his Towne, Parish, Tything, Borrow, or Hamlet: and that so, as none of them hath more power of office there, in then the other, although some of them haue larger limit of place then the rest.

High Constable of a hundred.

But now I am come to such things, as do seuerally belong to some of these *Officers*, so as the other may not meddle therewith, (which is the third part of my promise) and therefore I will take that in hand also: and because the *Constable* of the Hundred or Franchise, is the greatest of these Officers, both in respect of his larger precinct of place, and also of the higher trust that is committed vnto him, I will begin at him: who, as he is not by and by set alone, but is for some matters no further authorized then some other of the saide *Officers*, so I will first beginne at those, and then come to the rest that belong onely to himselfe.

Prisoners.

24 The money appointed to bee leuied by the Churchwardens of euery Parish each Sunday, for the reliefe of prisoners in 14. El. ca. 5.

the

the Towne, ought (vnder the paine of xl.s.) to bee paid by them once euery quarter of a yeare, to the high Constables, or heade Officers of euery Hundred, Riuing, Rapentake, towne, or parish: and the said high Constables, or heade Officers ought (vnder the paine of fiue pound) to pay ouer the same money so to them paide, at the next quarter Sessions of the peace, to the person appointed by the Iustices of peace to receiue the same.

It seemeth vnto me, that in this case next aboue, the wordes high *Constables*, high *Tythingmen*, and heade *Officers*, doe exclude *Petie Constables*, *Borsholders*, and such like to meddle therein: because none are called *High*, or *Heade*, but in comparison of *Lowe* and *Base*. Nowe therefore I will speake of matters concerning the high *Constable* of the Hundred alone.

High Constable alone

5. El. ca. 4. The high Constable of Hundreds in all such Shires, where Petie Sessions for seruants and labourers (otherwise called Statute Sessions) were vsed to bee kept, before the first day of the Parliament holden in the fift yeare of the raigne of our gracious Queene Elizabeth, may yet still hold their said Sessions, so that nothing be done in them, repugnant to the Statute of labo-

Petie Sessions.

rers

Watches and highwaies.

reys and seruants made in the same Parliament.

26. The Constables of Hundreds, and of franchises, ought to make presentement to the Iustices of Peace, and to all other Iustices thereto assigned, of the defaults of Watches, and of the defaultes of the Quenes highwaies, not enlarged so, as no ditches, vnderwood, or bushes be within two hundred foote on euery side of the same: and also of such as lodge strangers in vplandish townes, for whom they will not answere. 13.R.2.St. Winton.

Clothiers.

27. Clothmakers ought to pay the wages of their Tarders, and other workefolkes, in lawfull money, and not in pins, girdles, or such other thinges: and to deliuer their wools by faithfull deliuerie, and due weight, vnto them to be wrought vpon paine of forfaiting the treble of their wages not so payd, and six pence for euery deliuery of such excessiue weight. And the said Workfolkes ought to doe their occupations duely, vpon paine of double damages to the party grieued. And euery Constable of the Hundred may heare and termine the complaints aforesaid, by examination of the parties, and may commit to the Gaole such as refuse to pay the said Workfolkes. 4.E.4.ca.1.

2.& 3.P.& Mar.c.8.& 5.El.ca.13.

Estreates indented ought to be made by the Clarkes of the Peace, and by Sewards of Leetes, of all forfaitures rising in the Sessions of the peace, or in Leetes, vpon the statutes of highwaies: of which Estreates, one part ought to bee deliuered yearely within fiue weekes after Michaelmas, to the bailife or high Constable of the Hundred, Lath, or Rape, wherein the default was committed, and the other part to the Constables & Churchwardens of the parish in which the default was made, to the intent, that such Bailife, or chiefe Constable, may thereby leuy by distresse the sums for faitures, or the double thereof if no distresse can be found, or if such forfaitures be not paid within xv. daies after a lawfull demaund of the same by the said officer, and to the intent also that the said Constable & Churchwardes of the parish may thereby call the same Bailife, or High Constable to account before two Iustices of the Peace (the one being of the Quorum) betweene the first day of March and the last of April yearely for the said forfaitures, which ought by the said Churchwardens to bee bestowed on the Highwaies in their parish. And vpon such account, euery such Bailife, or High Constable shall haue for his paines viii. d. of euery pound

Highwaies

leuied

leuied and payed by him, and may also retaine xii. d. for the fee of the Clarke of the Peace or Stewart of the Leete, for euery such Estreate by any of them deliuered, as is aforesaid.

Marshalsey & kings Bench. 29 The high Constable (in whose limit the Parish is scituate) must pay at euery Quarter Session to one of the Treasourers of the Shire, such money as the Churchwardens there haue paid to him, for the prisoners in the Marshalsey and Kings Bench, vpon paine of xx. s. to bee lost for euery default, 59. El. ca. 3. 35. El. ca. 4.

Soldiers. 30 And the like must be done (vnder the paine of fortie shillings) with that money, which the Churchwardens bring to him for disabled Soldiers.

Popish recusant. 31 The Minister (or Curate) of the Parish, and the Constable, Headboroe, or Tythingman of the Towne, to which any Popish Recusant shall be sent by order of this Statute, shall take notice thereof by him, and shall enter the same into a Book to bee kept in euery Parish for that purpose: and shall certefie the same to the next Quarter Sessions of the Peace in that Countie. 35. El. ca. 2.

Constable of a Town. Next after the *Constable* of the hundred, Wapentake, or franchise, followeth the *Constable* of a towne, who is somewhere

where called a *High constable*, for that he hath diuers *Petie Constables* vnder him, and is sometimes also termed a *Heade Officer*; because in some Corporate townes *Constables* is part of the name of their *Incorporation*. And nowe also because there be sondrie things that are by the lawes indifferently referred to him, or to the *Tythingman*, *Borsholder*, or such other inferiour Officer of the place: therefore I will first set downe those, and then afterwarde speake of the rest that are committed to him onely, and to none of them.

5.E.4.3. Acc. sur case B.76. 32 If any common Inholder, or Alehouse-keeper, shall not lodge such as trauaile, the Ruler, Constable, or other Officer of the towne may compell him thereto. Alehouse.

33.Eli.ca.4. 33 No person retained in husbandrie, or in any the Arte appointed by the Statute of Labourers (made in the fift yeare of our soueraigne Ladie Queene Elizabeth) may depart, after the time of such retainour expired, out of the Towne or Parish, where he last serued, to serue in an other, vnlesse he haue a Testimoniall vnder the Seale of the Constable or other such Officer, and of two other honest householders of the Towne or Parish where hee last serued, according to this forme: Seruants.

Memorandum, that A. B. late seruant of C. D. of E. in the countie of K. husbandman, or Tayler, &c. is licenced to depart from his said Master, and is at his libertie to serue else where, according to the statute in that case made and prouided. In witnesse whereof, &c. dated the day, moneth, yeare, and place, of the making thereof. Which Testimonial, the Parson Vicar, or Curate of the parish where such Master, Mistresse, or Dame doth dwell, ought to register, taking onely ii. d. therefore. And if such person bee accepted into any other seruice, without shewing such Testimoniall to the Constable, or such other Officer, Curate, or Churchwarden of the place where hee shall bee accepted, he shall be imprisoned till he procure such a Testimoniall, which if he doe not within twelue daies next after the first day of his imprisonment, he shall be whipped as a Vagabond.

Labourers 34 In the time of Hay, or Corneharuest, the Constable, or such other Officer, of any townesship, upon request made, and for auoiding the losse of any corne, graine or hay, may cause all such Artificers, and persons (as be meete to labour) by his discretion to serue by the day, for the mowing, reaping, shearing, getting, or inning, 5. El. ca. 4

of

of corne, graine, or hay, according to the skill and qualitie of the person: and if any such person shall refuse so to doe, then ought such Officer (under the paine of foure shillings) to imprison such refuser in the Stockes, by the space of two dayes and one night.

Highwaies

35 The Constable, Borsholder, or other such Officer, and the Churchwardens of every Parish, ought yearely vppon the Tuesday or Wednesday in Easter weeke, to call together a number of the Parishioners, and to choose two honest men of their parish, to be Surueyors of the works for amendement of the highwaies within their parish leading to any Market towne: and ought then also to appoint fiue dayes for the amendement of those highwayes before Whitsommer then next following: and ought openly in the Church, the next Sunday after Easter, to giue knowledge of the same fiue dayes.

They also ought to haue one part of the Estreates inuented, and may call the Bailife or high Constable to Account, concerning the forfaitures, for default of amending Highwaies, as hath already appeared before. And they also, or any of them may leuie by Distresse, and by sale of such Distresse, all summes of money

2. & 3. P. and Mar. cap: 8. and 5. El. ca. 13.

forfaited for any cause within the statute of Highwaies made in the eighteene yeare of the Queenes Maiestie that nowis, (if so bee that the Surueyors of Highwayes shall not before haue leuied and imployed the same, within one yeare next after the offence committed) and shall yeelde Accompt thereof before two Iustices of the Peace, as is aforesheewed. 18.El.ca.10

Highwaies

36 The forfaites against the Statute for amendement of the annoyed Highwaies in the Weales of Kent, Surrey, and Sussex, ought after conuiction thereof to bee leuyed by distresse, by the Constables, Headborows, Tythingmen, or other such Officers there, vppon warrant from the Clearke of the peace in open Sessions, or from two of the Iustices that were at such session, the one of the being of the *Quorum*. 39.El.c.19.

Hue and Crie.

37 After such time as the two Iustices of Peace, haue ratably assessed euery towne, and parish, towardes the payment of the damages that any person hath recouered against him of the hundred wherein hee was robbed vpon the Statute of Hue and Crie: then may the Constable or Headborow, of euery such town and parish, ratably within his limit, tare (according to their abilities) euery dweller in euery such towne or parish, toward the payment of such 27.El.c.13.

such assessement made by the Iustices: and may also distraine euery person by hys goods and cattels that shall refuse to pay the same, and may sell the distresse, and retaine so much therof as the Taxation shal be, & deliuer the ouerplus to the person so distrained. And shal (within ten daies next after he hath leuied the said rates) deliuer the same to the said Iustices, or one of the to the vse of the partie robbed.

38 In default of agreement of the Parishoners verweene themselues, the Constables and Churchwardens of each Parish (or the more part of them) may rate and allot within their Parish their assesse for the Stocke of the Shire wherewith that Parish was charged at the Quarter Sessions: and they also may leuie the same vpon any Parishoner, by Distresse & Sale of his goods, tendring the ouerplus vnto him, 39. El. ca. 3. Stocke of the shire.

39. El. ca. 3.

27. El. c. 14. 39 The Constable of euery Borough or Market, or other towne, may viewe, search and surney all such Malt as shal be made or put to sale there: And if he shall finde any Barlie Malt, made at any time (the Monethes of Iune, Iuly, and August, onely except) but that the same shall haue the space of three weekes (at the least) in the fatte, floure, steeping, and suf- Making of Malt.

ficient drying thereof, and in these three Monethes, the space of xvii. dayes at the least: and if hee find any person to put to sale, any good Malt, mingled with Malt not sufficientlye made, or with Malte made of Mowburned or spited barke: or to put to sale any malt, not sufficiently well trodden, rubbed, and fanned, whereby halfe a pecke of dust or more may be fanned out of one Quarter thereof; then may such Constable (with the aduise of one Iustice of the peace in that shire) cause the same Malt to be sold, to such persons, at such reasonable prices (vnder the cōmon price of the Market) as to his discretion shall seeme expedient.

Who be Rogues

40 Euerie of these persons following, and being aboue the age of seuen yeares, is by the law declared to be a Rogue, Vagabond, or sturdy Begger: that is to say: 39.Eli.ca.

Euerie person that calleth himselfe a Schollar, and goeth about begging: Euery Seafaring-man (not hauing suffered Shipwrake, nor hauing lawfull Testimoniall from a Iustice of peace, of, or neere the place where hee landed) that goeth about begging, or exceedeth the limits of such Testimonial: Euery Idle person that goeth about begging, or that vseth any Subtile-craft or vnlawful Game, or Play,

or

or that feigneth knowledge in Physiognomie, Palmestrie, or other like traftie Science, or pretendeth to tell Destinies, Fortunes, or such like Phantastical imaginations. Euery wandring person that uttereth himselfe to bee a Proctour, Procurer, patent gatherer, or colector for any Gaole, Prison or Hospitall. Euerie Fensor, Bearward, Minstrel, or cunning player of Enterlude (other then such player of Enterlude as belongeth to a Baron or other Honorable person of greater degree, and bee authorised vnder his hand and seale of Armes) Euery Iuglar, Tinkar, Pedler, or Petichapman, other then glassemen of good behauiour, and licenced vnder the hands and Seales of three Iustices of the Peace of that Shire (whereof vne to bee of the *Quorum*) that wandreth abroad. Euery Wandring person, or common Labourer not hauing otherwise then by labour to maintaine himselfe, & being able of body, that refuseth to worke for lawfull Wages. Euery person, deliuered out of Gaole, that beggeth for Fees, or trauelleth begging. Euery one that pretending losse by Fier, or otherwise, wandreth begging. Euery one (not being a Felon) that pretendeth to be an Egyptian, or wandreth in the forme (or habite) of

counterfait Egyptians. Euery impotent, and disceased person (being lawfully licenced by two Justices of the Peace to go to Bathe, or Buxston) that forbeareth not to begge, or returneth not according to such Licence: and euery poore person (appointed to aske reliefe in his parish by the Querseers) that beggeth in any other sort then is appointed.

The Constable, Headborowe, and Tythingman of the Hundred, Parish, or Tything, shall vpon the taking of euery such Rogue (the Tythingman, or Headborowe being assisted with the aduise of the Minister, and one other of the Parish) appoint the same Rogue to be stripped naked from the middle vpward, and be openly whipped vntill his or her body be bloudie, and shall forthwith send such Rogue from parish to parish (by the officers of the same) the next straight way to the Parish wher such Rogue was borne, if that may bee knowne by his or her confession or otherwise: and if that cannot bee knowne, then to the Parish where hee or shee last dwelt before that punishment by the space of one whole yeare: and neither of them being knowne, then to the Parish through which hee or she last passed without punishment.

After

After which whipping, such Rogue shall haue a Testimoniall, subscribed and sealed with the hands and Seales of the said Constable, Headborough, Tythingman and Minister, or of any two of them, the substance of which shall be Registred by the Minister in a booke to bee prouided for that Parish, vnder the paine of fiue shillings for euery default thereof.

And the forme of that Testimoniall may be thus.

A. B. a sturdy Rogue, of tall stature, red haired and bearded, about the age of 30. yeares, and hauing a wart neare vnder his right eye, borne (as he confesseth) at *East Tilbery* in *Essex*, was taken begging at Shorne in this County of *Kent* the 10. of *March*, 1598. and was then there lawfully whipped therefore, and he is appointed to goe to *East Tilbery* aforesaid the direct way, by *Gravesend*, ouer the Riuer of *Thames*: for which he is allowed one whole day, and no more, at his perill. *Subscribed* and *sealed* the day and yeare aforesaid. *Kent.*

By vs { *C. D. Minister.* / *E. F. Borsholder.* / *G. H. Parishioner.* } of *Shorne* aforesaid.

And

And if such Rogue doe not accomplish the order of such Testimoniall, then is he or shee to bee Whipped at euery place for euery such default, till he or she repayre to the place so limited for [illegible] And this Testimoniall must bee [illegible] from Officer to Officer as is [illegible] wherein it is needefull to set downe [illegible] speciall marke of the body of the Rogue, to the end that neither one officer deceiue another, nor the Rogue deceiue them all.

But if such Rogue so taken appeare to be dangerous to the inferior sort of people there, or will not bee reformed from Roguish life, by the means aforesaid, then any two Iustices of peace of that limit (the one beeing of the Quorum) may commit such Rogue to ye house of correction or Gaole.

Euery Constable, Headborowe, & Tythingman, that shall be negligent, or shall not doe his best indeuor to take, punish, & conuey once the Rogues aforesaid, shal lose x.s. for euery default. And euery other person that disturbeth the execution of this Act of Rogues, shall lose v.s. for euery default, & be bound to the good behauiour.

And euery such Constable, Headborow, & Tythingman, is in like sort to take & punish, and to conuey from one to an other, euery Rogue & begger ye shall be brought

and

& ſet ouland here, from Ireland, Scotland, or the Ile of Man, till he come to the next Port or Parish in or neere where hee was firſt landed, vpon the like forfeiture of x.s. for euery default.

Nowe, forasmuch as the execution of this Law as also of that for the *poore*, is vpon good reason required at the hands of these *Constables*, *Borſholders*, and such like inferiour Officers, because as they of the common sort be most annoyed thereby, so are they in euery corner to haue a redy hand & whip to remedy the euill: I think good for their better direction herein to set down those resolutions & aduices, which (as it is commonly saide) were giuen by the Queenes *Iustices* at *Weſtminſter*, soone after the making of the said statutes, and thus they follow.

A Rogue affirmeth, that he was borne in such a town, in such a county: then ought he to be sent thither, if it may not otherwise appear ỹ he was born elsewhere: & if he were not borne there in truth, then is he to be saide an incorrigible Rogue, & is to be sent thence to the house of correction in the county to which he is sent: & if there be none there, then to the Gaole vntil the next Sessions, there to be dealt with according to the statute.

2 The same course is to bee obserued, if it appeare not where he was borne, and so if he vntruely affirme that he was last dwelling in such a Towne, in such a countrie, by the space of a yeare, and was not in truth.

3 If the husband, or wife haue a house and the husband or wife Rogue about, they ought to be sent to the Town where that house is, and so of an Inmate.

4 The wife and children vnder seauen yeares of age, being vagarant, must goe and bee placed with the husband yf the husband be dead, then with the wife where she was borne, or dwelt, and the vagarant children (aboue seauen yeres of age) must be sent to the place of their byrth. And if the vagarant parents with their children (vnder seauen yeares) bee placed at the place of byrth of the Parents, or at the place of last dwelling (as the case shall fall out) if afterward the Parents, or either of them die, or runne away, yet the children (once setled) must remaine there still, and may not be sent to their place of birth, though after they growe aboue the age of seauen yeares.

5 The wife being a vagarant Rogue, ought to be sent to the husband, though he be but a seruant in another Towne.

6 The

6 The Rogue whose place of Birth (or dwelling) cannot beeknowen, hath wife and children, vnder seauen yeares of age; they must goe with the husband to the place where they were last wilfully suffered to passe without punishment; where the children must bee leiued by the worke of their Parent, though the Parents bee committed to the house of correction.

7 If any (not being Rogues) shall trauaile with their children through a town, and the Father or Mother die, or runne away, the town is not bound to keep them where they die, nor to send them away, but onely in charitie, except they become wandering Beggars.

8 If the Parents be able to worke, and may haue worke, they are to finde their children by their labour, and not the Parish; But if they bee ouerburthened with children, it shall bee a very good way, to procure some of them to be placed apprentices according to the Statute.

9 No man is to be put out of the town where he dwelleth, nor to bee sent to their place of Birth (or last habitation) but a vagarant Rogue; nor to bee found by the towne, except the party bee impotent, but ought to set themselues to labor, if they be able, and can get worke, if they cannot,

the

the ouerseers must set them to labour: And so of them that haue or shall haue houses, when their estates bee expired: And seruaunts whose times of seruice are ended, though they cannot get houses, for they must prouide themselues houses a new, if they be not impotent.

10 Such persons as bee of any Parish, and haue able bodies to worke, and be no wanderers abroade out of the Parish, though they refuse to worke at such wages as is cared (or commonly giuen) in those partes, are notwithstanding not to be sent to their place of birth (or last dwelling) by the space of a yeare, but to the house of correction; vppon consideration had of both the statutes of the poore and Rogues. But if they haue any lawfull meanes to liue by, though they be of able bodies, and refuse to worke, yet are they not to be sent to the house of correction.

11 Such as will remoue or put any out of their Parish, that be not to bee put out, this is against the statute, concerning the reliefe of the poore, and fineable: and if any haue beene so sent, they may bee sent backe againe.

12 If any be sent to a towne whereto he ought to bee sent, and is refused (beeing a sturdy, or an impotent Rogue) the persons refusing

refusing shall forfait v.l. and hee that is so to be sent, is to bee offered to the Churchwardens and ouerseers.

13 To send the Rogues by a generall Passport, without conueying them from parish to parish, is a let to the conueying of Rogues according to the statute, & so a forfeit of v.l. vpon them. And to goe with such a passport, is but still to continue a Rogue, to be punished by whipping.

14 If the Officer will not receiue a Rogue to conuey him to the place where he was borne (or dwelt) this is a forfeiture of v.l. to the officer, that shall not receiue the party to conuey him or her ouer.

15 None may be suffered to take relief at any mans doore, though within the same parish, vnlesse it be by the order of ỹ ouerseers, according to the statut, neither may any be suffered to beg by the high waies, though in their owne parish. 8.H.6. ca.7. 11.H.7. c.4.

16 By this word parents is vnderstood a Father, or a Graundfather, Mother, or Grandmother, being persons able. 1.H.6.c.7.

17 Within the word children, is included any child, or Grandchild, being able.

18 Parsons, or Vicars, &c. bee bounde (as inhabitant) to the relieue of the poore, as well as others that inhabite within the Parish.

19 Eue-

19 Euery one that hath tythes impropriate, Coale mynes, or landes in manuell occupation, &c. is chargeable: And so for such as haue saleable woodes, proporcioning the same to an Annuell benefite.

20 If there bee but one Churchwarden in the Parish, he sufficeth, with the other fower Ouerseers.

All these things last aforesaid, do pertaine as well to the charge of a *Tythingman, Borsholder, Headborowe, Chief-pledge*, or such other inferiour Officer, as they do to the *Constable* of such a Towne, or Parish, that hath any of those other Officers vnderneath him. But some other points of charge there be, that belong to such a *Constable* onely, and not to any of them: as for example.

Weights & Measures. 41 Euery Citie, Borough, and market towne, that haue a Constable, ought also to haue common measures sealed, and also common weights sealed, at which the inhabitants may freely weigh. 8.H.6. ca.5. 11.H.7. c.4.

Merchandize. 42 If any Woolles, or other marchandize, bee shipped in the Staple, in any suspected place adioyning to the coast of the water, then Indentures ought thereof to be made between the owner, & the Maior or Constable of that place: or otherwise, such marchandise shall be forfaited. 14. H.6.c.5.

43 The

3.H.8.c.9 4 The Maior, Sheriffes, Bailifes, Constables, and other head officers within euery City, Borough, and towne within this Realme, where any such officers be, ought vnder the paine of cl.s. for euery default, once euery moneth at the least, to make search (as well within lyberties, as without) in all places where any vnlawful games shalbe suspected to be kept, and may arrest and imprison as well the keepers of such places, as the haunters to the same, till they bee found no more to keepe and haunt such places. And if any such Head Officers, shall find or knowe, that any Artificer, craftesman, husbandman, apprentice, labourer, seruant at husbandrie, fourneyman, or seruant of artificer, or that any maryner, fisherman, waterman, or Seruingman, doth play at the Tables, dice, cardes, tennise, bowles, clash coiting, logating, or any other vnlawfull game, out of Christmasse time, or out of their Masters house or presence in the Christmas time, vnles it be by the licence of such Master as hath T. li. by the yeare, or vnder, and then also, that playing bee within the precinct of such Masters house gardeine, or orchard: then such head Officer may commit such offendor to warde, till he will be bound by Obligation to the

Vnlawfull games.

Queenes vse (in such summe as to the discretion of such Officer shall bee thought reasonable) that hee shall not from henceforth vse such vnlawfull games. 3.H.8.

Bridges. 44 Those foure Iustices of peace, that be authorized by the Statute to make taxation of money for the amendement of any decayed bridge in the high waie, ought to make that Taxation, by the assent of the Constables, or of two of the most honest inhabitantes, of euerie Towne or Parish. 22.H.8. cap.5.

Vessels. 45 In all Cyttles, Boroughes, and Townes, wherin no Wardeins of Cowpers bee, the Maiors, Sherifes, Baylifes, Constables, or other head Officers there, haue power to search, viewe, and gawge, barrelles, kilderkins, firkins, and other vessels, to be made there, and to take such aduauntage thereby, and in such manner as by the Wardens of Cowpers within the Citie of London may bee taken as euery behalfe. 23.H.8. cap.4.

Hattes and Cappes. 46 The Maiors, Sherifes, Constables, and other heade Officers of any place, to which woollen hattes, bonnets, or cappes, (being made out of this Realme) shal bee brought, ought (vpon knowledge thereof to them to bee giuen, by the Customer of such place, or his deputie) to ioyne with such 22.H.8. cap.9. 1.Mar. par.1.c.18.

ſuch Cuſtomer or Deputie, in the ſale of ſuch hats, bonnets, or capps, for ſuch prices, as by the ſtatute are limitted, vpon paine to forfaite xx.li. for euery time that they ſhalbe remiſſe in ſuch ſale.

47 In all theſe caſes alſo, laſt before rehearſed, it ſemeth that Borſholders, Tythingmen, Headboroes, and other ſuch (being in townes, or pariſhes, vnderneath Conſtables that be there) cannot meddle becauſe ſuch Conſtables be (in compariſon of them) called Head Officers.

48 Now therefore vpon all the whole diſcourſe before written, it may well appeare, that Borſholders, Tythingmen, Headborowes, Boroheades, Thirdboroes, and chiefe pledges, whether they be there the onely Officers for the Peace, or bee vnderneath Conſtables, may within their Borowes, Tythings, or Hamlets, doe many thinges that the others maye doe: and that there are many other points which thoſe other Officers may doe, and wherewith theſe Borſholders and the reſt cannot meddle at all. And therefore, to auoide Idle repetition of matters alreadie ſpoken, I ſay ſhortly, that if an vnder Borſholder, Tythingman, Headboroe, Boroehead, Thirdboroe, or chiefe-pledge, will ſee what belongeth to him to

The concluſion.

doe, he must looke before vpon all such cases, where his power is declared to be equall (for those points) with the power, eyther of a High Constable of the Hundred, or a Constable of a towne or parish: for in all such things hee hath to deale as well as they. But where any thing before is shewed to pertaine only to the high Constable of a Hundred, or onely to the Constable, or chiefe or head Officer of a towne, or parish, there such a Borsholder, Tythingman, or any of the rest, hath nothing to doe with it.

And thus hauing opened so shortly and plainely, as I could, the duties of all these said ministers of the peace, I doe shut vp this worke: desiring those that shall take any profite of this labour, to yeeld thanks to God the most liberall giuer.

FINIS.

E. G. M.
11/26/04